

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

CRIMINAL NO. 17-134 (WMW/DTS)

Plaintiff,

v.

ORDER

JOHN KELSEY GAMMELL,

Defendant.

The above matter came before the undersigned upon Defendant's Motion to Continue Motion Filing Date and Motion Hearing [Docket No. 11] and Defendant's Motion to Exclude Time Under the Speedy Trial Act [Docket No. 13]. There is no objection to either motion.

The Court, being duly advised upon all of the premises, records and proceedings herein, now makes and enters the following Order.

IT IS HEREBY ORDERED:

1. Defendant's Motion to Continue Motion Filing Date and Motion Hearing [Docket No. 11] and Defendant's Motion to Exclude Time Under the Speedy Trial Act [Docket No. 13] are each granted.

2. All motions in the above-entitled case must be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **August 18, 2017**.¹

¹ "Before filing a motion under Fed. R. Crim. P. 12(b), the moving party must confer with the responding party. The parties must attempt in good faith to clarify and narrow the issues in dispute." D. Minn. LR 12.1(b).

D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses must be delivered directly to the chambers of Magistrate Judge David T. Schultz.²

3. Counsel must electronically file a letter on or before **August 18, 2017** if no motions will be filed and there is no need for a motions hearing.

4. All responses to motions must be filed by **September 1, 2017**. D. Minn. LR 12.1(c)(2).

5. Any Notice of Intent to Call Witnesses³ must be filed by **September 1, 2017**. D. Minn. LR 12.1(c)(3)(A).

6. Any Responsive Notice of Intent to Call Witnesses⁴ must be filed by **September 6, 2017**. D. Minn. LR 12.1(c)(3)(B).

7. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures and defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

² U.S. Mail or hand-deliver to Chambers 9E, U.S. Courthouse, 300 South Fourth Street, Minneapolis, MN 55415.

³ “When a party intends to call witnesses at a hearing on a motion under Fed. R. Crim. P. 12(b), the party must file a notice within 35 days after the arraignment. The notice must identify the number of witnesses whom the party intends to call, the motion or motions that each witness will be addressing, and the estimated duration of each witness’s testimony.” D. Minn. LR 12.1(c)(3)(A).

⁴ “If after reviewing a notice under LR 12(c)(3), a party intends to call witnesses at the same hearing, that party must file a responsive notice within 38 days after the arraignment. The responsive party must identify the number of witnesses whom the party intends to call, the motion or motions each witness will be addressing, and the estimated duration of each witness’s testimony.” D. Minn. LR 12.1(c)(3)(B).

8. If required, the motions hearing will be heard before Magistrate Judge David T. Schultz on **at 9:00 a.m. on September 14, 2017**, in Courtroom 9E, U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota. D. Minn. LR 12.1(d). Defendant's arraignment will be held at the same time as the motions hearing.

9. **TRIAL:**

a. **If no pretrial motions are filed by defendant**, the following trial and trial-related dates are: Voir Dire, Jury Instructions and Motions in Limine shall be filed with District Judge Wilhelmina Wright's chambers **at least 21 days before trial**. Trial will commence before District Judge Wilhelmina Wright at **9:00 a.m. on October 2, 2017** in Courtroom 3B, U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota.

b. **If pretrial motions are filed**, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact Terianne Bender, Courtroom Deputy for District Judge Wilhelmina M. Wright, at 651-848-1646, to confirm the new trial date.

10. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice served by the granting of such continuance outweigh the best interest of the public and the Defendant in a speedy trial. This finding is based upon Defendant John Kelsey Gammell's Motion to Exclude Time Under the Speedy Trial Act [Docket No. 13] and Defendant's signed Statement of Facts in Support of Exclusion of Time Under Speedy Trial Act [Docket No. 14]. Therefore, the time between **July 19, 2017 and August 18, 2017** shall be excluded from the Speedy Trial Act computations in this case.

Dated: July 17, 2017

s/ David T. Schultz
DAVID T. SCHULTZ
United States Magistrate Judge